



SENATE BILL 106: Clarify Limited Immunity/Overdose Victims.

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	March 6, 2019
Introduced by:	Sens. J. Jackson, J. Davis, Britt	Prepared by:	Jennifer H. Bedford
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *Senate Bill 106 would clarify that the requirements for a person experiencing a drug-related overdose to receive immunity from prosecution for certain offenses, may be met by the person experiencing the overdose or another individual.*

CURRENT LAW:

G. S. 90-96.2

A person experiencing a drug-related overdose may be eligible for immunity from prosecution for certain offenses if the following conditions are met:

- The person called 911.
- The person believed that he or she was the first to call 911.
- The person did not seek medical assistance during a lawful search by law enforcement.
- The evidence for prosecution was obtained as a result of seeking medical attention.

The immunity would protect a person from prosecution for the following drug offenses:

- misdemeanor possession of a controlled substance
- felony possession of less than one gram of cocaine
- felony possession of less than one gram of heroin
- misdemeanor possession of drug paraphernalia

BILL ANALYSIS: Senate Bill 106 would clarify that the conditions required for a person experiencing an overdose to be eligible for the immunity provided in statute, may be satisfied by the individual experiencing the overdose or another individual.

EFFECTIVE DATE: This act would become effective December 1, 2019, and apply to offenses committed on or after that date.

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